

REMARKS

Claims 1, 6 and 11 have been amended for reasons of form to more particularly point out the invention. The claims are not amended for any reason having to do with the references, as will be clear from the following remarks. All claims other than 1, 6 and 11 are as originally submitted.

Claims 1 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lebel, et al. (6,577,899), Mann et al. (6,554,789), or Causey et al. (6,641,533).

Respectfully, the Examiner has not made a prima facie case that claims 1 and 6 are anticipated by any one of Lebel, et al., Mann et al., or Causey et al. In order to make a prima facie case, all limitations present in the claims must be found in a reference.

The following is the totality of all that is disclosed in these references concerning use of voice processing:

Lebel, et al	Col. 24, lines 38-40	"In alternative embodiments, the keypad may be replaced in whole or in part by a touch sensitive display or a voice recognition system."
Mann et al.	Col. 9, lines 25-33	"Alternative embodiments of the RF programmer (controller or commander) 12', as shown in FIG. 4, may have more complex keypad arrangements 152, and may include a display device 150, such as an LCD, LED, plasma screen, or the like, to assist in programming the external infusion device 10. Further alternatives may include a microphone (not shown) and related circuitry to allow voice activated control of the external infusion device."
Causey et al.	Col. 11, lines 29-35	"Alternative embodiments of the RF programmer (controller or commander) 1012', as shown in FIG. 24, may have more complex keypad arrangements 1152, and may include a display device 1150, such as an LCD, LED, plasma screen, or the like, to assist in programming the external infusion device 1010. Further alternatives may include a microphone (not shown) and related circuitry to allow voice activated control of the external infusion device."

These references merely mention that voice spoken through a microphone may be substituted as an input device for a keyboard or the like to program an external infusion

device. Clearly these are not anticipatory references for the claimed invention. They disclose nothing about voice "fingerprinting" and voice matching to a voice "fingerprint" to determine whether a voice command should be processed. The rejections of claims 1 and 6 under 35 U.S.C. §102(b) is requested withdrawn and claims 1 and 6 allowed.

Claims 2-5 and 7-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lebel, et al., in view of Mann et al, Causey et al., Haueter et al., and Hochman et al.

Respectfully, the rejection is traversed and reconsideration is requested. The Examiner has not made out a prima facie case of obviousness of any of these claims. It is demonstrated above that none of Lebel, et al., or Mann et al, or Causey et al individually discloses more respecting voice processing than that voice spoken through a microphone may be substituted as an input device for a keyboard or the like to program an external infusion device. Since no one of them discloses more respecting voice processing, stacking them will not result in more disclosure as grounds for conclusion that Applicant's invention as described in the claims is obvious under the standards of 35 U.S.C. §103(a). It cannot be true, that disclosing no more than this, they "demonstrate the conventionality of the subject matter disclosed in the claims." There is nothing in the references individually that discloses or when stacked that provides some combination giving rise to the subject matter of Applicant's claims, much less their "conventionality."

Haueter et al. and Hochman et al do not improve the paucity of the disclosures of Lebel, et al., Mann et al, and Causey et al. The following quotations are the only mentions of voice processing by Haueter et al. and Hochman et al.:

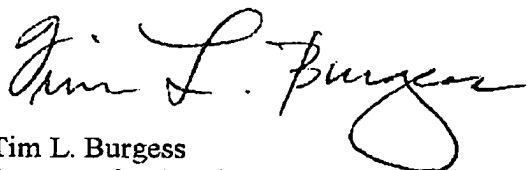
Haueter et al.	Col. 5, lines 6-11	"Data can be entered into the communications terminal by means of keys, a touch screen or a voice-entry means with integrated microphone, the latter may also be provided in addition to a manually operable input means to enable data to be entered in all situations with utmost convenience and discretion."
Hochman et al.	Col. 4, lines 15-19	"The master microprocessor is also associated with a display used to provide instructions to a clinician and an input device, which may be a keyboard, a touch screen or voice-activated device to collect information from the clinician."

ditto	Col. 4, lines 29-31	"Alternatively, commands may be initiated by the clinician either electronically or by voice commands."
ditto	Col. 8, lines 50-52	"If a microphone is included, voice commands are interpreted by a voice recognition circuit 162A."
ditto	Col. 8, lines 57-64	"Microprocessor 152 is further provided with a speaker 165 used to provide various oral messages, including spoken pre-recorded or synthesized words, (generated by a voice synthesized circuit 165A) chimes, and so on, to provide instructions to the clinician and to provide other information about the current status of the whole system and its elements without the need for the clinician to look at the displays all the time."
ditto	Col. 9, lines 33-35	"The clinician then uses a standard pointing device such as a mouse or a touch screen to select the appropriate syringe. Alternatively a voice command may be used for this selection."

These references, like Lebel, et al., Mann et al, and Causey et al. merely use voice processing as an input device alternative to a keyboard, touch screen display, or mouse, Hochman et al. adding only that prerecorded messages generated by a voice synthesizer may be used for announcements, which is not relevant to the subject matter of Applicant's claims. No matter how the references are combined they simply disclose nothing about and do not suggest anything about voice "fingerprinting" and voice matching to a voice "fingerprint" to determine whether a voice command should be processed. There simply is no evidence presented to make out a prima facie case that claims 2-5 and 7-12 are unpatentable under 35 U.S.C. §103(a). According, the rejection of claims 2-5 and 7-12 as unpatentable under 35 U.S.C. §103(a) is respectfully requested withdrawn.

The rejections of Claims 1-12 having been demonstrated not to have been supported by a prima facie case supporting any of the grounds for rejection, Applicant respectfully requests allowance of claims 1-12.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tim L. Burgess". The signature is fluid and cursive, with a large, stylized "B" at the end.

Tim L. Burgess
Attorney for Applicant
Reg. No. 24,391

402 Oak Lane
Houston, Texas 77024
Telephone 713-467-8869
Facsimile 713-467-8879